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May 20, 2003

Alan R. Stewart
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Re: Missing Parts Notice in Application 09/905,708

This is in response to your reply on August 27, 2002 regarding the surcharge due under 37 CFR 1.16(e).

Upon review of the application history, and requirements under 37 CFR 1.53, it was found that the surcharge was appropriately requested on the Notice.

Applicant filed a non-provisional application on April 27, 2001 which was assigned application number 09/845,082. Application papers indicate that the filing fee was not supplied upon filing. On February 4, 2002, applicant requested conversion of the application to provisional. Payment of the fees at that time were those relating to the resulting provisional, application number 60/327,572. On April 25, 2002, applicant requested conversion of the provisional to non-provisional, resulting in the application being assigned the non-provisional application number 09/905,708. It was not until April 25, 2002 that the basic utility filing fees were paid for the non-provisional application.

Because the basic filing fees for the non-provisional, utility application were submitted after the filing date granted the non-provisional, the surcharge is due under 37 CFR 1.16(e).

A new Notice is enclosed, restarting the time period for response. The time period for response runs as indicated on the Notice.

The Office apologizes for the inconvenience and for the delay in processing. You may direct any further inquiries regarding this matter to the undersigned.

Sincerely,

Janice Tippet
Program Assistant, OIPE
(703) 305-1050